IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MURVILLE LAVELLE LAMPKIN,

Defendant.

Case No. 3:15-cr-00005-SLG-5

ORDER RE MOTION TO SUPPRESS

Before the Court is a Motion to Suppress filed by Defendant at Docket 491. The motion seeks to suppress evidence obtained from a Samsung tablet computer, whereas the search warrant authorized the search of a Samsung cellular phone. The motion was opposed by the Government at Docket 497. The motion was referred to Magistrate Judge Deborah M. Smith, who issued a Final Report and Recommendation which recommended that the motion be denied at Docket 522.

When a motion has been referred to a magistrate judge, 28 U.S.C. § 636(b)(1) provides that the district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." A district judge must "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made."[1] But "[n]either the Constitution nor the statute requires a district judge to review, de novo, findings and

[1] 28 U.S.C. § 636(b)(1).

recommendations that the parties themselves accept as correct."[2] Rather, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."[3]

Here, neither party filed any objections to the Final Report and Recommendation of the Magistrate Judge, and the Court finds the Report and Recommendations to be well-reasoned. For the foregoing reasons, the Final Report and Recommendation at Docket 522 is adopted and accepted in its entirety. Accordingly, the Motion to Suppress Search of Tablet at Docket 491 is DENIED.

DATED this 13th day of October, 2016 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

[2] *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (citations omitted).

[3] *Thomas v. Arn*, 474 U.S. 140, 150 (1985).